United Nations S/2005/418

Security Council

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29 June 2005
English
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Draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the situation in Sierra Leone,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Emphasizing the importance of the continued support of the United Nations and the international community for the long-term security and development of Sierra Leone,

Having considered the report of the Secretary-General of 26 April 2005 (S/2005/273), and noting with approval his observations in paragraph 65 on the drawdown schedule of the United Nations Mission in Sierra Leone (UNAMSIL) and in paragraphs 63 to 64 on the need for a strong United Nations system presence in Sierra Leone after the withdrawal of UNAMSIL,

Commending the work of the Sierra Leone Truth and Reconciliation Commission and encouraging the Government of Sierra Leone to disseminate widely the Commission's report and the Government's response to it,

Expressing its appreciation for the essential work of the Special Court for Sierra Leone, noting its vital contribution to the establishment of the rule of law in Sierra Leone, and in this regard underlining the importance of ensuring that all those indicted by the Court appear before it, in order to strengthen the stability of Sierra Leone and the subregion and to bring an end to impunity, and encouraging all States to cooperate fully with the Court,

Determining that the situation in Sierra Leone continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of UNAMSIL shall be extended for a final period of six months until 31 December 2005;

2. *Requests* the Secretary-General to finalize the necessary planning for an appropriate integrated United Nations system presence in Sierra Leone, as recommended in paragraphs 63 to 64 of the Secretary-General's report, with the capacity and expertise to coordinate the activities of United Nations agencies, funds and programmes, to cooperate with the donor community, and to continue to support

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the efforts of the Government of Sierra Leone at peace consolidation and long-term development, after UNAMSIL has withdrawn;

3. *Encourages* UNAMSIL and the United Nations country team in Sierra Leone to continue their close collaboration to ensure a seamless transition from peacekeeping to peacebuilding, including through the implementation of their joint Transition Plan;

4. *Recalls* that the Sierra Leone security forces shall effectively assume full responsibility for security in the country after the withdrawal of UNAMSIL;

5. *Underlines* also the importance of providing effective security for the Special Court for Sierra Leone after UNAMSIL has withdrawn, and requests the Secretary-General to make recommendations on this to the Security Council as soon as possible;

6. *Urges* the Government of Sierra Leone to continue its efforts to develop an effective, affordable and sustainable police force, armed forces, penal system and independent judiciary, and further to promote good governance and strengthen mechanisms to tackle corruption, and encourages donors and UNAMSIL, in accordance with its mandate, to assist the Government in this regard, as well as in restoring public services throughout the country;

7. *Encourages* the United Nations missions in the region to continue their efforts towards enhancing inter-mission cooperation, especially in the prevention of movements of arms and combatants across borders and in the implementation of disarmament, demobilization and reintegration programmes;

8. *Welcomes* the efforts undertaken by UNAMSIL to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure that such acts are properly investigated and punished in cases involving their personnel;

9. *Welcomes* the Secretary-General's intention to keep the security, political, humanitarian and human rights situation in Sierra Leone under close review and to report regularly to the Council, after due consultations with troop-contributing countries and the Government of Sierra Leone;

10. *Decides* to remain actively seized of the matter.

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Security Council

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Letter dated 29 June 2005 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward a copy of the enclosed letter from the President of Sierra Leone, Alhaji Dr. Ahmad Tejan Kabbah, to the United Nations addressed to the Secretary-General on the United Nations presence in post-UNAMSIL Sierra Leone.

I should be grateful if the present letter and its annex could be issued as a document of the Security Council.

(*Signed*) Joe Robert **Pemagbi**
Ambassador
Permanent Representative

05-40335 (E) 010705

Annex to the letter dated 29 June 2005 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

Letter dated 21 June 2005 from the President of Sierra Leone to the Secretary-General

I write to convey my greetings and best wishes and to share with you my Government's views regarding the peace consolidation efforts under way in Sierra Leone, including a possible United Nations follow-on presence after the withdrawal of the United Nations Mission in Sierra Leone (UNAMSIL) from the country.

Sierra Leone has made significant strides in the consolidation of peace and stability during the past four years, since the decade-long conflict was officially ended. We successfully completed the demobilization, disarmament and reintegration programme and embarked on the implementation of a national recovery strategy focusing on the reinstatement of State authority throughout the country, strengthening the security sector, and rehabilitation and restoration of vital public infrastructure and services destroyed during the conflict. These and other measures were directed mainly at addressing the immediate consequences of the war and paving the way for sustained peace, economic development and social progress.

These accomplishments, however, would not have been possible without the assistance of the United Nations and your personal support and leadership. The United Nations Mission in Sierra Leone has been at the forefront of all our endeavours to bring about peace and stability and to tackle the challenges of rebuilding our country. In this connection, I would like to take this opportunity on behalf of the people and Government of Sierra Leone and on my own personal behalf, to extend our deep gratitude to the United Nations, to your good self, including your Special Representative, who cooperated very closely and effectively with us, and to the dedicated peacekeepers, including civilians, police and military personnel of UNAMSIL.

As the peacekeeping phase of the United Nations involvement is nearing its completion, the Government of Sierra Leone has now embarked on the consolidation of peace and sustainable development aimed at addressing the root causes of the conflict. The successful completion of the mandate of UNAMSIL would open a new chapter in the United Nations peacebuilding engagement in Sierra Leone to consolidate and sustain the achievements made thus far.

To that end, the Government of Sierra Leone believes that a follow-on United Nations presence would be indispensable after the withdrawal of UNAMSIL by the end of 2005. Such a presence would enable us to continue to benefit from United Nations support in the consolidation of peace and stability, as well as to further enhance confidence-building, especially in the period leading up to the presidential and parliamentary elections scheduled for 2007. We also see such a post-UNAMSIL United Nations presence as a unique opportunity for the international community to support Sierra Leone in the implementation of coherent and sustainable peacebuilding strategy and in building national capacity for conflict prevention. In this respect, the Government of Sierra Leone looks forward to the establishment of an integrated United Nations presence that would ensure a coordinated United Nations engagement in Sierra Leone, particularly in the areas of peace consolidation

and governance, development, human rights and security. An integrated United Nations presence could also play a critical role in ensuring the continued engagement and attention of the donor community in support of Sierra Leone's efforts at achieving the Millennium Development Goals.

Another important focus of the proposed post-UNAMSIL United Nations presence in Sierra Leone should be supporting Sierra Leone in national capacity-building, including the preparations towards the presidential and parliamentary elections in 2007. As part of these overall objectives, we also see the need for some 10-15 military liaison officers and about 20 civilian police advisers to serve as liaison and work closely with the armed forces and the Sierra Leone police in supporting capacity-building activities. With respect to the civilian components of the follow-on mission, we would in particular like to highlight the importance of strong peacebuilding, governance and human rights sections. Also, Radio UNAMSIL could continue to play an important role as the information component of the follow-on presence.

Sierra Leone is at a crossroads. Much has been achieved over the past years in our joint endeavours to restore and consolidate peace and stability and in laying the foundations for sustainable development. However, the challenges ahead of us are enormous, and the support of the United Nations remains critical to sustain these achievements and to make further progress, including the prevention of a recurrence of conflict in the future. In that regard, I am confident that the United Nations will continue its commitment to Sierra Leone over the coming critical period as we endeavour to achieve peace consolidation and sustainable development.

In addition, we are aware of the situation in Côte d'Ivoire and Liberia and we are also aware of the suggestions in the resolutions adopted for both countries to avail themselves of the helicopter gunship facility to be stationed in Sierra Leone. This will have the added advantage of increasing security for the operations of the Special Court for Sierra Leone, including meeting any special eventuality in the post-UNAMSIL period.

(*Signed*) Alhaji Dr. Ahmad Tejan **Kabbah**

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Letter dated 28 June 2005 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 31 May 2005 (see annex).

I should be grateful if you would bring this report to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

[Original: English]

Monthly report to the United Nations on the operations of the Kosovo Force

1. The present report covers the period from 1 to 31 May 2005.

2. As at 31 May 2005, the total number of troops in theatre was 16,485, including 2,723 troops from non-NATO countries.

3. There is no change in the status of partner/non-NATO country contributions.

Security

4. The general situation in Kosovo remains calm, with underlying tension that will continue in the foreseeable future. The climate seems to be one of restraint encouraged by the majority of the political leadership. While it may be fairly calm at the moment, the poor economic situation continues to hamper Kosovo's overall recovery. Violent acts aimed at destabilizing the fragile situation cannot be ruled out.

5. The inter-ethnic situation in Kosovo is expected to remain relatively calm for the next month.

6. During the reporting period, no case of possible threat against KFOR facilities and soldiers was reported; however, the lack of events does not warrant a change in the current threat level.

7. In terms of organized crime, the rise in the number of incidents continues. From 13, 41, 82 and 176 incidents reported for the months between January and April respectively, the number of incidents reported during May 2005 reached 224 and concerned drug, weapons and other smuggling activities. The increase since the previous report is due primarily to an increase in weapon seizures.

8. KFOR continues operations to prevent ethnic violence and protect patrimonial sites and remains vigilant to deter possible threats directed against international organizations and military bases. The NATO force continues also to improve its crowd and riot control capabilities in order to be better prepared to counter any resurgence in violence.

Compliance by the Army of Serbia and Montenegro and the Ministry of Internal Affairs Special Police

9. No breaches of the Military Technical Agreement were reported during May 2005.

Kosovo Protection Corps

10. The current membership of the Kosovo Protection Corps (KPC) is 3,008 active members, including 157 from the ethnic minorities. The reserve personnel establishment list includes 1,809 members, 17 of whom are from the ethnic minorities. At slightly over 5 per cent, the percentage of minorities remains at about half the goal of the senior representative of the United Nations Secretary-General.

11. During May 2005, the Multinational Brigades carried out 82 roll calls. The percentage of KPC personnel absent without permission remained steady at 1.84 per cent.

12. Concerning training and KPC activities, regular training was conducted on the basis of the annual plan. From 4 to 6 May, pick-up zone 1 staff and unit commanders attended staff training in Training and Doctrine Command. On 12 May, Multinational Brigade (South-West) conducted an emergency readiness test in pick-up zone 3, which resulted in an overall rating of "good". All activated KPC units responded rapidly. KPC members reacted with a sense of urgency in a disciplined manner. Command and control were considered good, but individual skills need improvement. A large-scale emergency readiness test is scheduled in pick-up zone 3 in June and will be more challenging. On 19 May, in Mitrovica East, the last course and the final exam for a first-aid certificate was held for 12 KPC members. Starting on 17 March, six candidates each from pick-up zones 1 and 4 attended this training. Diplomas were awarded by Brigadier General Houbron, Commander of Multinational Brigade (North-East), in pick-up zone 4 headquarters, Mitrovica.

Conclusion

13. The general situation in Kosovo remains calm, with underlying tension that will continue in the foreseeable future. While the situation may remain generally calm, there are some underlying issues that could negatively affect this tense peace, including the poor economic situation and recurring power and water outages, as well as the conditional release of former Prime Minister Haradinaj. KFOR will monitor closely the inter-ethnic situation to help ensure a safe and secure environment in the province.

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Letter dated 29 June 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On 21 April 2005, the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Counter-Terrorism Committee submitted a work programme for the fifteenth 90-day period (S/2005/266)). Annexed hereto is the Committee's work programme for the sixteenth period, which covers the months from July to September 2005 (see annex).

The activities of the Committee will proceed in compliance with the provisions of Security Council resolutions 1535 (2004) and 1566 (2004).

The Committee will continue to work with Member States on the implementation of Security Council resolution 1373 (2001), guided by the principles of cooperation, transparency and equal treatment, and continue its efforts to complete the revitalization process. The Committee will remain focused on strengthening consensus within the international community on the importance of combating terrorism, taking practical measures designed to enhance the counter-terrorism capacity of States; helping to identify and address the problems faced by States in implementing Council resolution 1373 (2001); and contributing to the process of increasing the number of States that are parties to the relevant international conventions and protocols. All of these tasks will be fulfilled in accordance with the Committee's mandate, as set out in paragraph 6 of the resolution, to monitor its implementation.

The Counter-Terrorism Committee welcomes the support it has received from Member States, the United Nations Secretariat and international, regional and subregional organizations and appreciates the contribution by the Counter-Terrorism Committee Executive Directorate.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Work programme of the Counter-Terrorism Committee (1 July-30 September 2005)

1. The present document sets out the work programme of the Counter-Terrorism Committee for its sixteenth 90-day period, from 1 July to 30 September 2005. This work programme updates that submitted for the fifteenth 90-day period (S/2005/266, annex).

Summary

2. The Counter-Terrorism Committee will:

(a) Continue close cooperation and coordination with the Executive Director of the Counter-Terrorism Committee Executive Directorate in order to make the Directorate fully operational in the shortest possible time;

(b) Focus on the review of at least 20 reports received from Member States and transmit letter to States in response to such reports;

(c) Include a preliminary assessment of possible needs for technical assistance, as appropriate, when the Committee reviews the States' reports. Also, the Committee will seek ways to strengthen its dialogue with potential donors and assistance providers, and will consider further initiatives to strengthen the Committee's role as facilitator of technical assistance;

(d) Continue to improve cooperation with international, regional and subregional organizations and encourage them to seek further ways to help members implement the provisions of Security Council resolution 1373 (2001). The Committee will give special consideration to the question of how it can best support those regional organizations that have members lacking the capacity to fully implement Council resolution 1373 (2001). The Committee will enhance its dialogue with international, regional and subregional organizations, including on how best to support regional organizations themselves in developing the capacity to help their members in this endeavour;

(e) Continue to develop a set of best practices to assist States in implementing the provisions of Security Council resolution 1373 (2001), including in relation to the financing of terrorism, as well as in other areas set out in the resolution;

(f) Continue to urge States late in submitting reports to the Committee to submit these at the earliest opportunity, including through a proactive dialogue with States concerned;

(g) Continue to visit Member States in compliance with Security Council resolution 1535 (2004), in accordance with the procedures agreed by the Committee and with the consent of the State concerned, and to ensure that there is proper follow-up on visits that have already taken place;

(h) Continue to ensure transparency in the work of the Counter-Terrorism Committee, including through meetings with the membership, use of the Committee website, and by developing a proactive communications policy;

(i) Continue to explore how to enhance cooperation and coordination between the subsidiary bodies of the Security Council related to counter-terrorism as well as their respective groups of experts.

General issues

3. In accordance with Security Council resolutions 1535 (2004) and 1566 (2004), the Counter-Terrorism Committee will continue its efforts, in close cooperation and coordination with the Counter-Terrorism Committee Executive Directorate, to ensure that the Counter-Terrorism Committee Executive Directorate becomes fully operational, as soon as possible, with adequate expertise.

4. The Committee will be assisted in its implementation of this work programme by the Counter-Terrorism Committee Executive Directorate, through implementation of the Executive Directorate's work programme, submitted to the Secretary-General and adopted by the Committee, in accordance with Security Council resolution 1535 (2004), which endorses the provisions of the proposal for the revitalization of the Counter-Terrorism Committee approved by the Committee on 19 February 2004 (S/2004/124).

Reporting to the Committee and review of reports

5. By 30 June 2005, the Committee had received 601 reports from Member States and others. They include 191 first reports from Member States, 166 second reports from Member States, 127 third reports from Member States, 94 fourth reports from Member States and 14 fifth reports from Member States. Also, the Committee has received nine report from others.

6. The Committee will continue to address the issue of States late in submitting their reports. The Committee welcomes the fact that, since the last publication of States late in submitting their reports (S/2004/982), 13 of those States have submitted their reports. However, the Committee continues to note, with great concern, that 71 States have missed the deadline for the submission of their respective reports. The Committee will continue to regularly publish an updated list of States late in submitting their reports.

7. In this regard, the Committee reminds Member States that reporting according to the timetable proposed by the Committee is one of the provisions of Security Council resolution 1373 (2001), and calls upon all States that have not submitted their reports on time to submit them as soon as possible. The Committee stresses the importance of States remaining in contact with the Committee, with regard to the implementation of Council resolution 1373 (2001), and encourages those States that find themselves incapable of presenting timely reports to duly inform the Committee.

8. Emphasizing the importance of timely reporting, the Committee will continue to work with States to address this issue, taking into account their specific situations.

9. The Committee will continue to enhance its cooperation with the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, the Committee

established pursuant to resolution 1540 (2004) and the Working Group established pursuant to resolution 1566 (2004), as well as the Counter-Terrorism Committee Executive Directorate and the respective groups of experts. The Committee will seek to ensure that there is a full exchange of national reports, visit reports and other relevant information between and among the Committees and groups of experts, including with regard to visits to States and other official travel. As mandated in presidential statement PRST/2005/16, the Committee will consider how, in a coordinated manner, it might be possible to deal with the late submission of reports to all three Committees in a coordinated manner.

Facilitation of technical assistance

10. It remains a key objective for the Counter-Terrorism Committee to facilitate the provision of technical assistance aimed at strengthening the counter-terrorism capacity of States that strive to fulfil their obligations to implement the provisions of Security Council resolution 1373 (2001), but lack the capacity to do so. The Committee stresses that responsibility for implementation of these obligations, including the preparation of reports to the Committee, rests with States. At the same time, the Committee recognizes the importance of facilitating the necessary technical assistance to States. The Committee will continue to discuss how it can best facilitate such assistance.

11. In order to ensure that the necessary assistance can be provided, the Committee will continue to work with States in order to identify their individual needs. To that effect, the Committee will include a preliminary assessment of needs for technical assistance when it reviews States' reports, when appropriate. The goal is to ensure that assistance is better tailored to the real needs of the various States.

12. The G-8 Counter-Terrorism Action Group provides significant counter-terrorism assistance, which constitutes support for the Committee's work. The Committee will seek further reinforcement of this cooperation. Moreover, the Committee will consider how to develop a closer relationship with the broader donor community, with the aim of ensuring that the necessary assistance is available in all areas of Security Council resolution 1373 (2001).

13. The Committee has developed the Directory of Counter-Terrorism Information and Sources of Assistance, which can be consulted on the Committee's website, http://www.un.org/Docs/sc/committees/1373/ctc_da/index.html. The Directory is designed to serve as a source of information on counter-terrorism-related best practices, model laws and available assistance programmes. The Committee has also produced an Assistance Matrix to collect updated information on requests received from States and on assistance offered by potential providers, including international, regional and subregional organizations. The Committee will consider how these information sources may be made more user-friendly, including by developing a database with the relevant information. In the meantime, the existing sources will be maintained and updated.

Guidance and dialogue

14. The Committee will continue to develop a direct dialogue with States about their implementation of Security Council resolution 1373 (2001). In this regard, the

Committee will continue its visits to Member States, in accordance with the general guidelines for conducting such visits, as well as the Framework Document for Committee visits to States, with their consent, in order to enhance the monitoring of the implementation of Council resolution 1373 (2001) and better identify possible needs for technical assistance. The Committee will ensure that these visits are properly followed up and that they are fully coordinated with relevant United Nations bodies and international, regional and subregional organizations.

15. The Counter-Terrorism Committee will continue to provide guidance to Member States about how to implement the provisions of Security Council resolution 1373 (2001). Through its subcommittees and its Executive Directorate, it will continue to meet with representatives of States to discuss and clarify issues related to implementation. Also, the Executive Directorate will continue to participate in seminars and workshops, when appropriate and upon invitation, which provide an opportunity to provide guidance on issues related to the implementation of Council resolution 1373 (2001).

16. The Counter-Terrorism Committee welcomes all the work done in other relevant international, regional and subregional organizations to develop standards, codes and best practices in areas of relevance to Security Council resolution 1373 (2001). While monitoring States' implementation, the Committee will bear in mind all the international best practices, codes and standards that are relevant to implementation of Council resolution 1373 (2001). Pursuant to Council resolution 1566 (2004), the Committee will continue to develop a set of best practices to assist States in implementing the provisions of Council resolution 1373 (2001) related to the financing of terrorism. The Committee will continue to consider in which other areas it could usefully develop sets of best practices to assist States in implementing the provisions of Council resolution 1373 (2001).

Cooperation with international, regional and subregional organizations

17. The Committee encourages the relevant international, regional and subregional organisations to play their specific role in providing guidance for their member States on the implementation of Security Council resolution 1373 (2001). To that end, the committee will continue to strengthen its interaction with international, regional, and subregional organizations, including through ensuring an equitable geographical balance in its contacts with these organizations.

18. The Committee will continue to urge these organizations, where appropriate, to develop ways, as a matter of urgency, to assist their member States in this endeavour. The Committee will consider how it can best support those regional organizations with members that lack the capacity to fully implement Security Council resolution 1373 (2001) and how best to assist the regional organizations themselves in developing the needed capacity to help members implement Council resolution 1373 (2001).

19. Pursuant to the action plan agreed at the special meeting of the Committee held on 6 March 2003, the Committee has been expanding its contacts and cooperation with international, regional and subregional orgnizations. The Committee will continue to do so, including through implementation of the

declaration and the Follow-up Action Plan adopted at the fourth special meeting in Almaty from 26 to 28 January 2005.

Transparency in the work of the Committee

20. Transparency will continue to be a major objective of the work of the Counter-Terrorism Committee, including by developing a proactive communications policy.

21. The Committee will continue to communicate information about its activities on a regular basis, including through briefings by the Chairman to interested delegations.

22. The Committee will consider how the website (http://www.un.org/sc/ctc) can be further developed in order to become a better source of detailed information on all issues related to Security Council resolution 1373 (2001).

23. The Committee will continue to encourage all States to make direct contact with the subcommittees or the Executive Director of the Counter-Terrorism Committee Executive Directorate to seek any necessary clarification on the issues covered in their correspondence will the Committee or on any other issue. (Telephone: 212 457 1853; fax: 1 212 457 4041; and/or e-mail: charles4@un.org.) In addition, the Executive Directorate may, when deemed appropriate, contact States to seek further clarification form them on issues arising from their reports.

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Fifty-ninth session
Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 29 June 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to refer to the letter dated 31 May 2005 from the Permanent Representative of Turkey to the United Nations addressed to you (A/59/820-S/2005/355), and to apprise you of the positions of my Government regarding the Turkish proposals contained therein.

The Government of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem, which will be mutually and freely agreed by both communities, and "based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions in a bi-communal and bi-zonal federation", pursuant to Security Council resolution 939 (1994).

It is regrettable that this long-standing agreed basis for a Cyprus settlement is progressively being eroded by Turkey's consistent aim of promoting a secessionist entity in the occupied part of Cyprus, consolidating the faits accomplis and disclaiming all responsibility for the ongoing violations of human rights in Cyprus emanating from the de facto partition of the island. The Turkish positions explicitly deviate in letter and spirit from the reunification goal, as provided for by Security Council resolutions, and suggest a parallel coexistence of two sovereign entities functioning independently side by side, to which Turkey has aspired since long before 1974. Even more disturbing is Turkey's attempt to use as a pretext the need to improve the economic situation of the Turkish Cypriot community, which is strongly supported and pursued both by the international community and the Government of Cyprus, in order to upgrade an illegal secessionist entity and therefore secure and perpetuate its military presence on the island.

The assumption presented in the above-mentioned letter, that the rejection of the Annan Plan by the Greek Cypriot community and the accession of the Republic of Cyprus to the European Union have created an entirely new situation, is not an honest assessment of the existing reality, but rather is a selective and misleading interpretation, serving a political agenda. Although both events had an impact on

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Cyprus, neither event was able to reverse the existing situation on the ground nor were they meant to absolve Turkey of its responsibilities regarding Cyprus. As the European Court of Human Rights notes in a recent ruling concerning Cyprus (application No. 46347/99, Xenides-Arestis v. Turkey), the fact that the Greek Cypriots rejected the Annan Plan does not entail recognition of the secessionist entity or confer statehood upon it. Nor does it entail the legal consequence of bringing to an end the continuing violation of the rights of dispossessed persons, since Turkey continues to exercise effective overall control of the occupied area of Cyprus and is therefore responsible for any acts committed either by its own troops illegally stationed in Cyprus or by its subordinate local administration. Similarly, the accession of the Republic of Cyprus to the European Union, while creating a new dynamic for achieving a settlement, does not bring to an end the de facto division of the island, nor does it change the nature of the factors that sustain the partition. Therefore, pending a settlement, "the application of the *acquis* upon accession has been suspended pursuant to Article 1 (1) of Protocol 10, in the areas of the Republic of Cyprus in which the Government of the Republic does not exercise effective control".

The argument put forward by the Turkish side, that Turkish Cypriots continue to face difficulties arising from the ongoing so-called political, economic, cultural and social "isolation", although they have fulfilled their responsibilities by voting in favour of the Annan Plan, is baseless. Both Turkish Cypriots and Greek Cypriots fulfilled their responsibilities by freely and democratically expressing their views on the specific plan. Moreover, what is erroneously described as "isolation" of the Turkish Cypriots is nothing more than the consequence of the illegal occupation of Cyprus and its subsequent division, which is, to this day, sustained by military means, and the refusal of the Turkish leadership to comply with principles of international law, established rules and procedures and decisions of the Court of Justice of the European Communities.

Furthermore, the continued occupation, which renders the Government of Cyprus unable de facto to exercise control over the whole island, cannot affect the Government's indisputable sovereign right to determine which of its ports and airports are open and functioning. Neither the process of bi-communal talks over the years, nor any recent developments could be invoked to impair the legal personality of the Republic of Cyprus, a sovereign State and a Member of the United Nations and the European Union. The submission of the Annan Plan to referendums cannot simply change the indisputable fact that Turkey remains responsible not only for the existing status quo, but also for the difficulties the Turkish Cypriots are facing, due to the continuation of the division of Cyprus, the consequences of which seriously affect the Greek Cypriots as well, since one third of the Cypriot population continue to be deprived of their basic human rights, including the right to return to their homes and use their properties. On a more general note, it is disturbing that the Turkish side is constantly engaging in an attempt to reverse responsibility for the existing situation in Cyprus by presenting the Turkish Cypriot community as the victim of Greek Cypriots. Distorting the facts in order to present an image that fits well with the impression Turkey wants to project in order to prevail in the outside world must stop. The futile attempt to shift the focus from the fact that the source of the problem is the invasion and occupation of Cyprus by Turkey is poisoning all efforts aimed at rapprochement. Moreover, denying the very heart of the problem and trying to disguise its raison d' être with false allegations only adds insult to the injury.

What Turkey portrays as "another concrete initiative for paving the way to reaching a just, durable and comprehensive solution", summarized in the five points contained in the aforementioned letter, contravenes international law and Security Council resolutions by attempting to upgrade the status of the illegal entity established by use of force in the northern part of Cyprus and to elaborate policies for which Turkey has been repeatedly condemned in various international forums.

At a time when utmost restraint and caution are required in order to reach common ground on maintaining efforts to achieve a solution, the pursuit of such views reveals Turkey's insistence on its well-known separatist positions and its refusal to cooperate for the benefit of all Cypriots. Even more disturbing is the attempt to distort the decisions of various international forums and to present Turkish aims as being compatible with international law.

A concrete measure in the right direction might be strengthening cooperation on bi-communal projects, aiming at building confidence and improving the climate between the two communities, such as the ambitious policy launched by the Government of Cyprus during the past two years, which aims at procuring tangible economic and other benefits for the Turkish Cypriot community.

In particular, in the past two years, the Government of Cyprus has been providing Turkish Cypriots with a generous package of measures, which include, among others, social benefits, free medical care, employment opportunities (according to a Turkish Cypriot Chamber of Commerce report dated 17 January 2005, there are 10,000 Turkish Cypriot skilled workers employed in Government-controlled areas, receiving approximately $180 million in salaries), issuance of the Republic of Cyprus passports, identity cards, birth certificates, etc. The Government of the Republic of Cyprus has been also working since April 2004 to expand the intra-island trade of wholly obtained industrial goods and eligible agricultural products produced in the occupied area, subject to the procedures and rules of the European Union (green-line regulation). Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros earmarked for the period 2004-2006, by the European Union for the Turkish Cypriots in the event of a Cyprus settlement, be made available as from now. Moreover, the Government has asked that the number of crossing points at the dividing line for both persons and goods be increased, in agreement with the United Nations and the Turkish Cypriot side, while unilaterally implementing a programme to demine National Guard minefields in the buffer zone. Unfortunately, despite those efforts, the Turkish leadership insists on promoting the illegal regime in the north and, in many instances, opts to sacrifice the economic advancement of the Turkish Cypriot community for the sake of achieving its political ends.

It is time for Turkey to set aside its well-known separatist positions and to demonstrate in concrete and practical terms, and not through groundless proclamations, the good will needed to bring the two communities closer. As a first step, the Turkish authorities could cooperate constructively in resolving with utmost urgency the tragic humanitarian problem of missing persons in Cyprus by proceeding with effective investigations to determine the fate and whereabouts of missing persons. Another gesture of good will on the part of Turkey could be the restoration of the status quo ante in Strovilia, for which Turkish military forces are held responsible.

The Republic of Cyprus is determined to continue to work towards a solution that will meet the hopes and expectations of both communities, for a common future for all Cypriots, free of outside interference. The Republic of Cyprus also remains committed to striving for the economic development, the welfare and the respect of the human rights of all its citizens, in all areas, without discrimination. Despite the difficulties faced by the de facto division of the island, the Government of Cyprus spares no effort in facilitating for Turkish Cypriots their benefit of all services of the Republic, as well as all benefits that Cypriots are entitled to as a result of Cyprus' accession to the European Union.

I would be grateful if the text of this letter would be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

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Agenda items 36 and 148

Security Council
Sixtieth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 29 June 2005 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to yet another grave incident that occurred today along Israel's northern border with Lebanon.

This afternoon (local time), a cadre of Hizbullah terrorists crossed the Blue Line with the apparent intention of placing explosive charges in Israeli territory near the Har Dov mountain area. Israeli Defense Forces soldiers intercepted the terrorists and were able to thwart the planned larger-scale attack. In the exchange of fire that ensued, three soldiers were wounded.

Parallel to that incident, Hizbullah launched a barrage of mortar shells against Israeli positions in the area, resulting in the death of one Israeli soldier and the wounding of three soldiers. These incidents constitute flagrant violations of the Blue Line.

Today's grave incident was one of many recent cross-border attacks by the Hizbullah terrorist organization based in Lebanon. As we have repeatedly stressed during past weeks, and as can be understood from the menacing declarations made by the organization leaders, the Hizbullah terrorist organization is trying to escalate tensions along Lebanon's border with Israel. All this comes against the backdrop of various efforts of the Government of Lebanon and the international community to promote a positive and more stable reality in Lebanon.

The attack that Hizbullah carried out today was thus not only directed against Israel but also against the international community, against the people of Lebanon and against all those who support the recent positive developments towards democratization in Lebanon. Israel expects the Government of Lebanon, which it holds responsible for any such activity occurring within its territory, to take immediate action to disband and disarm all Lebanese and non-Lebanese terrorists operating in Lebanon.

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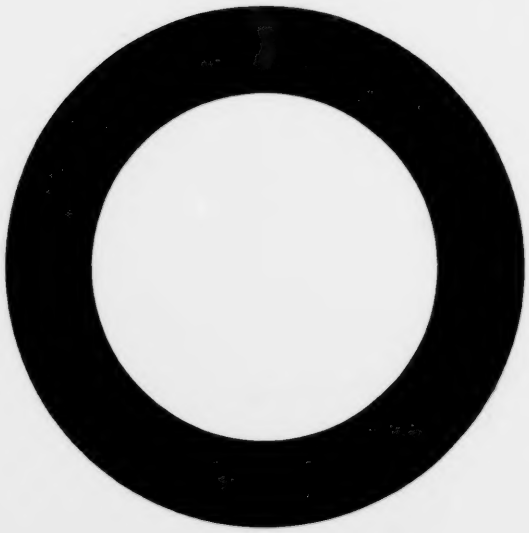
The Government of Israel calls once again upon the international community to see to it that the Government of Lebanon meets its obligations under the norms of international law and takes comprehensive and immediate action to restore control over its southern region and prevent any and all future terrorist attacks.

I should be grateful if you would arrange to have the present letter circulated as a document of the General Assembly, under agenda items 36 and 148. An identical letter has been sent to the President of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative



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The situation in the Middle East

Security Council
Sixtieth year

Identical letters dated 30 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I wish to inform you of the following:

1. Israel continues to carry out its acts of aggression against Lebanon and to violate its sovereignty by land, sea and air. An attempt yesterday afternoon, Wednesday, 29 June 2005, by an Israeli military unit to cross the Blue Line in the area of the occupied Shab'a Farms prompted the Lebanese resistance to thwart and repel it with various types of machine guns and other artillery, whereupon Israel proceeded to shell Lebanese territory in the Kafr Shuba hills and throughout the Shab'a Farms, causing damage to many houses belonging to Lebanese citizens in peaceful zones.

2. At the same time, Israel has stepped up its threats to the resistance and the Lebanese Government. In the early dawn hours on Thursday, 30 June 2005, Israeli aircraft dropped leaflets over Sidon and the southern suburbs near Beirut containing explicit threats to the Lebanese people and Government. The dropping of leaflets by means of aeroplanes over Lebanese lands constitutes yet another act of aggression against Lebanon's sovereignty and the inviolability of its airspace and territory.

3. What took place yesterday afternoon and this morning is in flagrant violation of Security Council resolution 425 (1978) and of international law and constitutes a threat to peace and security in the region. It requires the application of the utmost international pressure on Israel to put an end to such practices and to ensure respect for Lebanon's sovereignty, independence and territorial integrity. Israel will have to take responsibility for such acts of aggression.

I request you to have the present letter distributed to the members of the Security Council and issued as a document of the Council under the item on the situation in the Middle East.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

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